

REMARKS

This Response is made in furtherance of the telephone interview conducted between the Examiner and the undersigned on January 22, 2004, and the Office Action mailed February 2, 2004.

1. Statement of the Case and Status of the Claims.

The present invention provides a novel electrode active material represented by the nominal general formula:



wherein,

- (a) A is selected from the group consisting of Li, Na, K, and mixtures thereof, and $0 < a \leq 8$;
- (b) M comprises one or more metals, wherein at least one of the one or more metals is capable of undergoing oxidation to a higher valence state, and $1 \leq b \leq 3$;
- (c) Z is selected from the group consisting of a hydroxyl, a halogen, and mixtures thereof, and $0 < d \leq 6$;

wherein A, M, Z, a, b and d are selected so as to maintain electroneutrality of the electrode active material.

Claims 1 - 100 are currently pending in the present Application. Upon entry of the present Response, Claims 1 - 100 will be cancelled, and new Claims 101 - 153 will be pending. Care has been taken in present Response to ensure that no new matter has been added. Support for the new Claims can be found in the specification as filed.

2. Telephone Interview.

The Examiner initiated a telephone interview with the undersigned on January 22, 2004. During the telephone interview, the Examiner requested that prosecution of the present Application be restricted to electrode active materials wherein c is 1 or 3, and further restricted to electrode active materials wherein X' is up to two species and mixtures thereof (e.g. electrode active materials comprising one or two polyanions (PO_4^{3-}), and mixtures thereof). In accordance

with the Examiner's request, on January 28, 2004, Applicants submitted a draft Amendment with the accompanying new Claims 101 - 153, directly to the Examiner for her review.

2. Present Office Action

In the present Office Action, the Examiner has required that Applicants elect a single disclosed species for prosecution on the merits, to which the claims shall be restricted if no generic claim is finally held allowable. As can best be understood, the Examiner has required that Applicants select a *single electrode active material* represented by either the general formula $AMBX$ or AM_2B_3X , wherein A is an alkali metal, M is a cation, B is an anion, and X is F or OH. In accordance with the Examiner's requirement, Applicants elect an electrode active material represented by the general formula AM_2B_3X , wherein A is Li, M is V, B is PO_4 , and X is F. Applicants respectfully request the Examiner consider varying stoichiometric values for A, M and X (e.g. $Li_aV_b(PO_4)_3F_d$) for charge-balance purposes.


The following Claims read on the elected species (assuming varying stoichiometric values for A, M and X are considered): 101 - 109, 116 - 120, 123 - 134, 141 - 145, and 148 - 153. Applicants submit that new independent Claims 101 and 126 are generic with respect to the species present by the Examiner, that are represented by Examiner's general formula AM_2B_3X .

Applicants submit that new Claims 101 - 153 are distinct from the prior art of record, and accordingly are in condition for allowance. Should anything further be required, the Examiner is respectfully requested to telephone the undersigned at 702-558-1071.

Respectfully submitted,

Dated: March 2, 2004
VALENCE TECHNOLOGY, INC.
301 Conestoga Way
Henderson, Nevada 89015
Telephone: 702-558-1000
Facsimile: 702-558-1310

By:


Michael Ross
Reg. No. 45,057